

2016 No. 704

ELECTRONIC COMMUNICATIONS

BROADCASTING

**The Communications (Television Licensing) (Amendment)
Regulations 2016**

<i>Made</i> - - - -	<i>6th July 2016</i>
<i>Laid before Parliament</i>	<i>7th July 2016</i>
<i>Coming into force</i> - -	<i>1st September 2016</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 365(1) and (4), 368 and 402 of the Communications Act 2003(a), as extended by the Communications (Jersey) Order 2003(b), the Broadcasting and Communications (Jersey) Order 2004(c), the Communications (Bailiwick of Guernsey) Order 2003(d), the Communications (Bailiwick of Guernsey) Order 2004(e) and the Communications (Isle of Man) Order 2003(f).

To the extent that these Regulations are made under section 365 of the Communications Act 2003, they are made with the consent of the Treasury in accordance with subsection (6) of that section.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Communications (Television Licensing) (Amendment) Regulations 2016 and shall come into force on 1st September 2016.

(2) These Regulations extend to the Channel Islands and the Isle of Man.

Amendment of the Communications (Television Licensing) Regulations 2004

2. The Communications (Television Licensing) Regulations 2004(g) are amended as set out in regulations 3 to 8 of these Regulations.

(a) 2003 c.21.
(b) S.I. 2003/3197. Article 6 of the Order extends section 402 of the Communications Act 2003 to Jersey. There are amendments to the Order not relevant to these Regulations.
(c) S.I. 2004/308. Article 4 of the Order extends sections 365 and 368 of the Communications Act 2003 to Jersey.
(d) S.I. 2003/3195. Article 6 of the Order extends 402 of the Communications Act 2003 to Guernsey. There are amendments to the Order not relevant to these Regulations.
(e) S.I. 2004/307. Article 4 of the Order extends sections 365 and 368 of the Communications Act 2003 to Guernsey.
(f) S.I. 2003/3198, amended by S.I. 2004/309. Article 6 of the Order extends, with modifications, sections 365, 368 and 402 of the Communications Act 2003 to the Isle of Man. There are other amendments to the Order not relevant to these Regulations.
(g) S.I. 2004/692, amended by S.I. 2005/606, S.I. 2007/718, S.I. 2008/643, S.I. 2009/505 and S.I. 2010/640. There are other amendments to S.I. 2004/692 not relevant to these Regulations.

Amendment of regulation 5

3. In regulation 5(2)(a)(iii) (concessions for blind persons)(a), for “Social Security” substitute “Social Care”.

Amendment of regulation 6

4.—(1) Regulation 6 (concessions for persons aged 75 years or more) is amended as follows.

(2) In paragraph (2) omit “, the Isle of Man or the Bailiwick of Guernsey (but excluding Sark)”.

(3) After paragraph (2) insert—

“(2A) No fee shall be payable for a TV licence of a type referred to in the first or second entry in column 1 of the table in Schedule 1 where—

- (a) a residence is in the Bailiwick of Guernsey (but excluding Sark);
- (b) the licence is issued to a person who has attained the age of 75 before 1st September 2016; and
- (c) the single place, vehicle, vessel or caravan specified in the licence is the sole or main residence of that person.”.

Amendment of regulation 8

5.—(1) In regulation 8 (interpretation of Part 3)(b), in the appropriate place insert—

““on-demand programme service”, and references to the provision of such a service by the BBC, have the same meanings as in the Communications Act 2003 (and, in the application of this Part to the Channel Islands and the Isle of Man, they are to have the meanings which they have in the United Kingdom). If an amendment of the Communications Act 2003 changes the meaning in the United Kingdom of “on-demand programme service” or the meaning of any reference to the provision of such a service by the BBC, the change to the meaning is also to have effect in the Channel Islands and the Isle of Man for the purposes of this Part;”.

Amendment of regulation 9

6.—(1) In regulation 9 (meaning of “television receiver”)(c), for paragraph (1) substitute—

“(1) Subject to paragraph (2), in Part 4 of the Act (licensing of TV reception), “television receiver” means any apparatus installed or used for the purpose of receiving (whether by means of wireless telegraphy or otherwise)—

- (a) any television programme service, or
 - (b) an on-demand programme service which is provided by the BBC,
- whether or not the apparatus is installed or used for any other purpose.”.

Amendment of Schedule 3

7.—(1) Part 1 of Schedule 3 (fees for interim TV licenses)(d) is amended as follows.

(2) In the first column of the table (type of licence) in each case for the words “(not in the Channel Islands, except in the Bailiwick of Guernsey (excluding Sark))” substitute “(not in the Channel Islands or the Isle of Man)”.

(a) Regulation 5(2)(a) was substituted by S.I. 2007/718. There are other amendments to regulation 5 not relevant to these Regulations.

(b) Regulation 8 was amended by S.I. 2007/718.

(c) Regulation 9 was amended by S.I. 2007/718.

(d) There are amendments to Part 1 of Schedule 3 not relevant to these Regulations.

Amendment of Schedule 4

8.—(1) Part 2 of Schedule 4 (accommodation for residential care licences) is amended as follows.

(2) In paragraph 10(1)(a)(a), sub paragraphs (ii) and (iii) substitute—

“(ii) is provided under the National Health Service Act 2001(b); or

(iii) is provided under section 2 of the Social Services Act 2011(c).”.

(3) After paragraph 10(1)(a)(iii) insert—

“(iv) is carried on by a person who is duly registered in respect thereof under the Regulation of Care Act 2013(d) or would be so registered but for section 54 of that Act; or”.

Modification of the Communications Act 2003

9.—(1) In section 368 of the Communications Act 2003 (meanings of “television receiver” and “use”), for subsection (3) substitute—

“(3) References in this Part to using a television receiver are references to using it for—

(a) receiving all or any part of any television programme, or

(b) receiving all or any part of a programme included in an on-demand programme service which is provided by the BBC,

and that reference to the provision of an on-demand programme service by the BBC is to be read in accordance with section 368R(5) and (6).”.

(2) In the application of section 368(3)(b) to the Channel Islands and the Isle of Man, “on-demand programme service”, and references to the provision of such a service by the BBC, have the same meanings which they have in Part 3 of the Communications (Television Licensing) Regulations 2004 (as amended by regulation 5 of these Regulations).

30th June 2016

John Whittingdale
Secretary of State
Department for Culture, Media and Sport

6th July 2016

George Hollingbery
David Evennett
Two of the Lord Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Communications (Television Licensing) Regulations 2004 (“the 2004 Regulations”)(S.I. 2004/692) and the Communications Act 2003 (“the Act”).

(a) Paragraph 10(1)(a) of Schedule 4 was amended by S.I. 2005/606. There are other amendments to Schedule 4 not relevant to these Regulations.

(b) An Act of Tynwald.

(c) An Act of Tynwald.

(d) An Act of Tynwald.

Regulation 5 of the 2004 Regulations is amended to reflect the change of name of the Isle of Man's Department of Health and Social Security to the Department of Health and Social Care.

Regulation 6 of the 2004 Regulations is amended so that the television licence concession for persons aged 75 years or more will no longer be available for residents of the Isle of Man.

Regulation 6 of the 2004 Regulations is also amended so that the television licence concession for persons aged 75 years or more will no longer be available for residents of the Bailiwick of Guernsey (excluding Sark) who attain the age of 75 years on or after 1st September 2016.

The table in Schedule 3 to the 2004 Regulations, relating to fees for interim television licences, is amended as a consequence of the amendments to regulation 6.

Paragraph 10 of Schedule 4 to the 2004 Regulations is amended to update certain references to Isle of Man legislation in respect of accommodation for residential care.

Regulation 9 of the 2004 Regulations is amended to include in the definition of a television receiver any apparatus used or installed to receive an on-demand programme service which is provided by the BBC e.g. iPlayer. On-demand programme services are defined in Part 4A of the Act.

Regulation 9 of these Regulations makes a similar amendment to the definition of the use of a television receiver in section 368 of the Act to include using a television receiver to receive all or any part of a programme included in an on-demand programme service which is provided by the BBC.

An impact assessment has not been produced for this instrument as no impact on business and the voluntary sector is foreseen.

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£4.25

ISBN 978-0-11-114805-1



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